

ORIGINAL

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OLD LADDER LITIGATION CO., LLC, )  
as Litigation Designee on behalf of the )  
Liquidation, )

Plaintiff, )

-against- )

INVESTCORP BANK B.S.C. et al., )

Defendants. )

**08 cv 0876 (RMB)**

**MOTION TO ADMIT COUNSEL,  
DAVID F. RUSSEY,  
PRO HAC VICE**

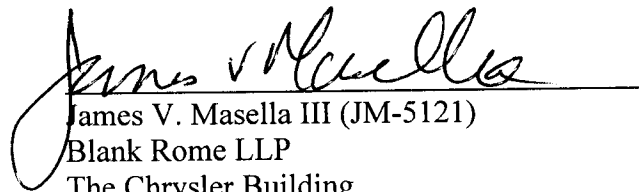
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, James V. Masella III, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

David F. Russey, Esquire  
Cohen & Grigsby, P.C.  
11 Stanwix Street, 15th Floor  
Pittsburgh, PA 15222  
Phone: (412) 297-4900 / Fax: (412) 209-0672

David F. Russey is a member in good standing of the Bar of the Commonwealth of Pennsylvania. There are no pending disciplinary proceedings against David F. Russey in any State or Federal Court.

Dated: April 4, 2008  
New York, New York

Respectfully submitted,

  
James V. Masella III (JM-5121)  
Blank Rome LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174  
(212) 885-5000

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OLD LADDER LITIGATION CO., LLC, )  
as Litigation Designee on behalf of the )  
Liquidation, )  
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Plaintiff, )  
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-against- )  
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INVESTCORP BANK B.S.C. et al., )  
 )  
Defendants. )

**08 cv 0876 (RMB)**

**AFFIDAVIT OF JAMES V. MASELLA  
III IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

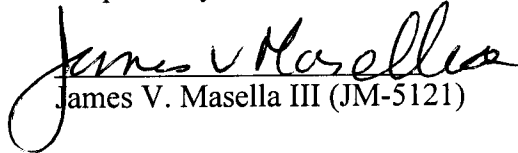
State of New York )  
 ) ss:  
County of New York )

James V. Masella III, being duly sworn, hereby deposes and says as follows:


1. I am a partner at Blank Rome LLP, counsel for the Werner and Solot related family members and certain former Werner employees as listed in Exhibit A (collectively, the "Family Defendants") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the Family Defendants' Motion to admit Larry K. Elliot as counsel pro hac vice to represent the Family Defendants in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1993. I am also admitted to the bar of the United States District Court for the Southern District of New York, and I am in good standing with this Court.
3. I have known Larry K. Elliott since March 2008.
4. Larry K. Elliott is a Director at Cohen & Grigsby, P.C. in Pittsburgh, Pennsylvania.
5. I have found Larry K. Elliott to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Larry K. Elliott, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Larry K. Elliott, pro hac vice, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Larry K. Elliott, pro hac vice, to represent the Family Defendants in the above captioned matter, be granted.

Respectfully submitted,

  
James V. Masella III (JM-5121)

Sworn to before me this  
4th day of April, 2008

  
\_\_\_\_\_  
Notary Public

NEAL MITCHELL  
Notary Public, State of New York  
No. 01M16114408  
Qualified in New York County  
Commission Expires Aug. 16, 2012

1. ACHENBACH, DONALD E.
2. ALLIGATOR PARTNERS, L.P. (HOWARD SOLOT AND JANET SOLOT - GENERAL PARTNERS
3. ALTER, MINDY WERNER
4. BASILOTTA, LEE L.
5. BERK-RAUCH, ELI
6. BERK-RAUCH, ELLEN
7. BERK-RAUCH, HANNA
8. BERK-RAUCH, NOEL
9. BLACKMAN, GAIL RAUCH
10. BLACKMAN, HEATHER
11. DOWLER, HENRY W.
12. FROST, ELISE W.
13. FROST IRA AND ELISE FAMILY LIMITED PARTNERSHIP (ELISE FROST — GENERAL MANAGING PARTNER)
14. GELLIS, BRAD J.
15. GOLDBLATT, J. DAVID
16. GOLDBLATT, JUNE
17. GRIFFITH, PAULA J.
18. JOHNSON, DENNIS J.
19. JOUBERT, JESSICA
20. JOUBERT, LINDA
21. HAZLETT, WILLIAM
22. DEBORAH KAPLAN TRUST
23. KAPLAN, JEREMY
24. JUDITH KAPLAN TRUST
25. KAPLAN, JULIA
26. KAPLAN, KARRAH
27. KAPLAN, RACHAEL
28. KARP, ALLISON TYLER (Minor)
29. KARP, MARSHA BETH
30. KARP, MELISSA S. (Minor)
31. KATZ, BETH

32. KOERNER, GEORGE
33. KRANE, CARLEY
34. KRANE, JASON
35. KRANE, MARLANE
36. MASON, ERIC A.
37. MORROW, SUSAN
38. NEEDHAM, BEVERLY WERNER
39. SHIRLEY W. RAICJ TRUST (SHIRLEY RAUCH, AND MARLANE  
KRONE – TRUSTEES)
40. RANKELL FAMILY TRUST
41. RAUCH TRUST (ALEEN A. SHAPIRO– TRUSTEE)
42. RICHMOND DRIVE ENTERPRISES, L.P. (RICHARD WERNER AND  
ELISE FROST– GENERAL PARTNERS)
43. RIPPIN, WILLIAM J.
44. ROSATI, RICHMOND I. (Minor)
45. ROSATI, ROBERT A.
46. ROSATI, RONI S.
47. ROSATI, ROSS DANIEL (Minor)
48. ROSATI, RYAN GREGORY
49. ROTHMAN, DEBRA A.
50. ROTHMAN, JORDANA
51. ROTHMAN, JOSHUA J.
52. ROTHMAN, KEVIN M.
53. SCHWARTZ, ELISSA **NOW ELISSA RIOUX**
54. SCHWARTZ, SUZANNE
55. SOLOT, HOWARD L.
56. SOLOT, JANET F.
57. SOLOT, MICHAEL
58. TRZYNKA, MICHAEL
59. WEINER, MAURICE
60. WERNER, ASHLEY ELIZABETH
61. WERNER, BARBARA L.
62. WERNER, BARBARA L. AND WERNER DONALD M.

63. WERNER, BRUCE D.
64. BRUCE D. WERNER TRUST (BRUCE WERNER - TRUSTEE)
65. WERNER, BRUCE D. FAMILY LIMITED PARTNERSHIP (BRUCE WERNER - MANAGING GENERAL PARTNER)
66. WERNER, CRAIG
67. WERNER, CRAIG R. FAMILY LIMITED PARTNERSHIP (CRAIG WERNER - GENERAL PARTNER)
68. CRAIG R. WERNER TRUST
69. WERNER, DONALD M.
70. WERNER, ERIC
71. WERNER, FLORENCE J.
72. FLORENCE J. WERNER IRREV. TRUST DATED 10/7/94 (RONALD WERNER, MARC WERNER AND MICHAEL WERNER – TRUSTEES)
73. WERNER GC TRUST FOR ERIN JOY RYAN (BEVERLY WERNER NEEDHAM - TRUSTEE)
74. WERNER GC TRUST FOR SHANNON ROSE RYAN (BEVERLY WERNER NEEDHAM —TRUSTEE)
75. WERNER, ISABELLE
76. WERNER, JEFFREY ADDISON
77. JONATHAN C. WERNER GIFT TRUST U/A/D/ 11/1/96 (JEFFREY WEISMAN - TRUSTEE)
78. LAURA W. WERNER REVOCABLE TRUST, U/AID 1/2/96 (LAURA WERNER - TRUSTEE)
79. LOIS S. WERNER REVOCABLE TRUST
80. MARGOT A. WERNER GIFT TRUST U/A/D 11/1/96 (LAURA WERNER - TRUSTEE)
81. WERNER, MARC L.
82. MARC L. WERNER IRREVOCABLE TRUST
83. WERNER, MELANIE
84. WERNER MICHAEL E.
85. MICHAEL E. WERNER REVOCABLE TRUST, U/A/D 12/96 (MICHAEL WERNER - TRUSTEE)
86. WERNER, RICHARD L.
87. RICHARD L. WERNER REVOCABLE TRUST

- 88. WERNER, ROBERT I.
- 89. ROBERT I. WERNER IRREV. TRUST DATED 8/30/94 (RONALD WERNER – ADMINISTRATIVE TRUSTEE)
- 90. WERNER, RONALD E.
- 91. WERNER, SOPHIA
- 92. STEPHANIE N. WERNER GIFT TRUST U/A/D 11/1/96 (JEFFERY WEISMAN – TRUSTEE)
- 93. WERNER, TAMMY H.
- 94. WERNER-ALTER, LLC (MINDY WERNER ALTER - MANAGER)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OLD LADDER LITIGATION CO., LLC, )  
as Litigation Designee on behalf of the )  
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Defendants. )

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**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of James V. Masella III, attorney for the Family Defendants and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

David F. Russey, Esquire  
Cohen & Grigsby, P.C.  
11 Stanwix Street, 15th Floor  
Pittsburgh, PA 15222  
Phone: (412) 297-4900 / Fax: (412) 209-0672  
Email: drussey@cohenlaw.com

is admitted to practice pro hac vice as counsel for the Family Defendants in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
New York, New York

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Richard M. Berman  
United States District Judge





Supreme Court of Pennsylvania

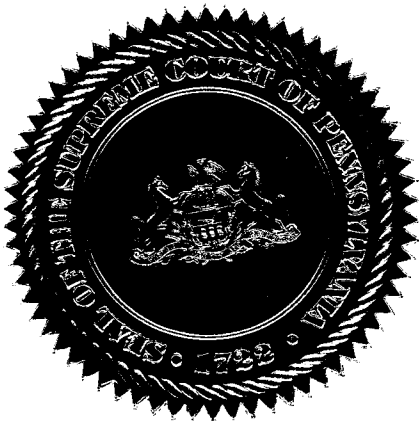
**CERTIFICATE OF GOOD STANDING**

***David Fredric Russey, Esq.***

**DATE OF ADMISSION**

***November 3, 1999***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

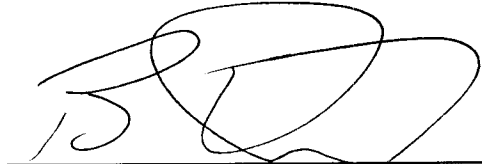
**Dated: March 13, 2008**

A handwritten signature in cursive script, reading "Patricia A. Nicola", written over a horizontal line.

Patricia A. Nicola  
Chief Clerk

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of April 2008 a copy of the foregoing Motion to Admit Counsel, David F. Russey, *Pro Hac Vice* was filed with the Court. Notice of this filing was sent to all parties of record via email.



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BRIAN S. TRETTER